

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AHMED A. ELASHMOUNY,

Plaintiff,

– against –

STEPHEN T. GREENBERG and
DONNA ROSSI,

Defendants.
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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ MAR 22 2006 ★
ORDER
04-CV-2385 (JFB)(MLO) OFFICE

JOSEPH F. BIANCO, District Judge:

On February 16, 2006, the above-captioned matter was re-assigned to the undersigned for all purposes from the Honorable Joanna Seybert.

Judge Seybert issued a Memorandum and Order, dated July 20, 2004, dismissing this action without prejudice and granting the plaintiff leave to file an Amended Complaint.¹ In that Order, the Court found that there was no basis for subject matter jurisdiction. Plaintiff timely filed an Amended Complaint on September 7, 2004.

In the Amended Complaint, plaintiff states that he “adhere[s] to his [o]riginal [e]xhibits filed along with his [or]iginal [c]omplaint for the above-entitled [c]ivil [a]ction.”

¹ Familiarity with the Memorandum and Order is presumed.

Although the plaintiff adds some new facts, the Amended Complaint is very similar to his original complaint and does not cure any of the defects identified in the original Memorandum and Order. Accordingly, for the reasons set forth in Judge Seybert's Memorandum and Order, the Amended Complaint is hereby dismissed, with prejudice.

The Clerk of the Court is directed to close to the case.

SO ORDERED.

/s/(JFB)

JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

Dated: March 20, 2006
Brooklyn, New York